

REMARKS

I. Summary of Office Action

Claims 1-61 are pending in this application.

Claims 1, 2, 6, 7, 9, 10, 15, 17-20, 24, 25, 28, 33, 37-39, 43, 44, 47, 51, and 55-61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hite et al. U.S. Patent No. 5,774,170 (hereinafter "Hite") in view of Coleman et al. U.S. Patent No. 5,844,620 (hereinafter "Coleman").

Claims 3-5, 8, 11-14, 16, 21-23, 26, 27, 29-32, 34-36, 40-42, 45, 46, 48-50, and 52-54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hite in view of Coleman and further in view of Schein et al. U.S. Patent Application Pub. 2003/0005445 (hereinafter "Schein").

The rejection of applicants' claims under 35 U.S.C. § 103(a) is respectfully traversed.

II. The Rejection of Independent Claims 1 and 57

Applicants independent claims 1 and 57 are generally directed toward a method and computer readable medium, respectively, for displaying an advertisement in an electronic program guide (EPG). Television schedule information is stored in a database. Advertisement information is received, and a portion of the received advertisement information is modified, at a user equipment, to include a portion of the

stored television schedule information to form a modified advertisement. A plurality of television schedule listings are displayed in a first area of a display screen, and the modified advertisement is displayed in a second area of the display screen.

Applicants' claimed invention may provide the advantage of allowing an advertiser or service provider to transmit a single (e.g., generic) advertisement to multiple users and then combining the advertisement with stored television schedule information to create a modified, custom advertisement at the user equipment. See applicants' Abstract and specification ¶¶ 0321-0340. This enhanced advertisement may then be displayed to the user to customize the user's advertisement viewing experience.

For example, applicants' specification teaches that viewer profile information may be used to provide customized advertisements to the viewer. See specification ¶¶ 0321-0340. One way to create a customized advertisement is to create a personalized "overlay message to an advertisement" (specification, ¶ 0323). This overlay message can be triggered when the advertisement is to be displayed and overlaid on top of the advertisement. *Id.*

In addition to modifying the visual appearance of an advertisement, applicants' specification teaches of modifying

advertisements in other ways. For example, an advertisement may be "linked to the time and channel of the program in RAM so the viewer can watch or record the program automatically" (specification, ¶ 0034). Therefore, the EPG may link the advertisement to information from the television schedule database. Each advertisement may also be associated with "multiple levels of information" (specification, ¶ 0277). First level information may include the advertisement itself (e.g., graphics that are presented on the screen with no user action). See specification, ¶ 0278. Second level information may include secondary advertisement information presented in an information box or window after user selection of an advertisement. Third level information may include multiple pages of detailed advertisement information. See specification, ¶ 0279. Any of the foregoing levels of information may be modified by the EPG to customize the presentation of an advertisement.

Advertisements "may also be assigned theme codes, profile codes, and other selection intelligence" (specification, ¶ 0331). Profile codes may be used in conjunction with viewer profile information to further "customize the presentation and/or scheduling of telecast advertisements" (specification, ¶ 0323). Since the EPG knows the geographic location of the viewer, advertisements may be

personalized, for example, with a custom overlay message depending on the user's location. *Id.*

The Office Action admits that Hite fails to show or suggest storing television schedule information in a database, modifying a portion of the received advertisement information to include a portion of the stored television schedule information to form a modified advertisement, displaying a plurality of television schedule listings in a first area of a screen, or displaying the modified advertisement in a second area of the screen. Nevertheless, the Office Action contends that Coleman discloses all these missing features. See Office Action, page 3. Applicants respectfully disagree.

Hite refers to a targeted commercial delivery system. See Hite, Abstract. Each commercial is analyzed and assigned a Commercial Identifier (CID). See Hite, col. 3, ll. 40-44. Commercials are then "imbedded in programs along with a version of the CID to indicate under what circumstances a more suitable commercial may be substituted" (Hite, col. 3, ll. 60-64).

Coleman refers to an interactive program guide interface that allows a user to interact with "a menu of individual events available via an information network" while maintaining continuity of viewing of the current television channel. See Coleman, Abstract. One way continuity of

viewing is maintained is by reformatting the primary display area such that an alternate display area is created in which additional programming is displayed. See Coleman, col. 21, ll. 19-31. For example, as shown in Coleman's FIG. 8, primary display area 200 is reformatted to include alternate display area 295 located adjacent to the right side of primary display area 200. *Id.* This allows for additional programming to be displayed in alternate display area 295 while maintaining viewing continuity with primary display area 200. *Id.* The FIG. 8 display screen may also include program guide 210 at the bottom of the display screen. See Coleman, FIG. 8.

A. None of the References, Alone or In
Combination, Show or Suggest Modifying
Received Advertisement Information to
Include Stored Television Schedule Information

It is well-established that "to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (MPEP § 2143.03); *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As described below, the § 103(a) rejection should be withdrawn at least because the combination of Hite and Coleman fails to disclose the claimed feature of "modifying, at a user equipment, a portion of the received advertisement information to include a portion of the stored television schedule information to form a modified

advertisement," as recited by each of independent claims 1 and 57.

The Office Action contends that Coleman's FIG. 8 display screen shows a modified advertisement that includes a portion of received advertisement information that is modified to include a portion of stored television schedule information. See Office Action, page 3. The Office Action seems to suggest that the information displayed in primary display area 200 is received advertisement information, and that this information is "modified with program guide 210 and program information 295." *Id.* Applicants submit that this interpretation is unreasonable.

Initially, applicants note that primary display area 200 is used to display full video images, such as the output from a television channel. Primary display area 200 is merely a video window. See Coleman, col. 21, ll. 1-18. There is no mention in Coleman that this area may display advertisement information. Even if advertisements (e.g., television commercials) could be displayed in primary display area 200, nowhere does Hite or Coleman mention modifying the received advertisement information to form a modified advertisement. In particular, there is no showing or suggestion of modifying any received advertisement information to include stored television schedule information, as recited by independent

claims 1 and 57. At best, all Coleman's FIG. 8 display screen shows is a video window displayed simultaneously with a program guide. Program guide 210 and primary display area 200 are two separate elements, and it is unreasonable to consider these two elements together as a "modified advertisement" merely because they are displayed next to one another.

B. Even If the Combination Did Show a Modified Advertisement, It Would Fail to Show or Suggest Displaying a Plurality of Television Schedule Listings in a First Area of a Screen and the Modified Advertisement in a Second Area

Even assuming, *arguendo*, that program guide 210 and primary display area 200 could be considered together as a modified advertisement, this modified advertisement certainly is not displayed in a second area of a screen while a plurality of television schedule listings are displayed in a first area of the same screen, as recited by applicants' independent claims 1 and 57. In fact, program guide 210 was combined with primary display area 200 in order to read on applicants' claimed "modified advertisement." It is therefore inherently contradictory to then contend that this modified advertisement is displayed in a different area of a screen than the plurality of television schedule information items.

In the Office Action, the Examiner contends that applicants' first area of the screen is program guide 210, and

that the second area of the screen is primary display area 200. See Office Action, page 3. However, applicants' claims 1 and 57 specify that the modified advertisement (which is modified to include stored television schedule information) is displayed in the second area of the screen. Therefore, even according to the Examiner's interpretation, applicants' claimed second area of the screen cannot possibly read on primary display area 200 because no modified advertisement is displayed in primary display area 200. Rather, the modified advertisement, according to the Examiner's own interpretation, is the combination of primary display area 200 and program guide area 210.

For the foregoing reasons, applicants submit that independent claims 1 and 57 are not rendered obvious in view of Hite and Coleman. Dependent claims 2-19 and 59-61, which include all the limitations of independent claim 1, are allowable for at least the same reason. Applicants respectfully request, therefore, that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn.

III. The Rejection of Independent Claims 20, 39, and 58

Applicants' independent claims 20, 39, and 58 are generally directed toward a method, system, and computer readable medium for modifying an advertisement in an EPG.

Television schedule information is stored in a first database. Advertisement information is stored in a second database. A portion of the television schedule information is overlaid onto a portion of the advertisement information to form a modified advertisement (claims 20 and 58), or a portion of the information stored in the second database is modified to include a portion of the television schedule information to form an updated advertisement (claim 39). The modified or updated advertisement is then displayed in a second area of a display screen while a plurality of television schedule listings are displayed in a first area of the display screen.

The Office Action admits that Hite fails to show or suggest storing television schedule information in a database, overlaying a portion of the television schedule information onto a portion of the advertisement information to form a modified advertisement, displaying a plurality of television schedule listings in a first area of a screen, or displaying the modified advertisement in a second area of the screen. Nevertheless, the Office Action contends that Coleman discloses all these missing features. See Office Action, page 3. For similar reasons described above with regard to the rejection of independent claims 1 and 57, applicants respectfully disagree.

The Office Action contends that FIG. 6 of Coleman shows television schedule information overlaid onto advertisement information to form a modified advertisement. See Office Action, page 5. The Office Action also contends that the plurality of television schedule listings are displayed in program guide area 210 while the modified advertisement is displayed in primary display area 200. *Id.* As described above, the Examiner's position is internally contradictory. If the Examiner is considering the modified advertisement to be both primary display area 200 and program guide 210, then the program listings in program guide 210 cannot be displayed in a different area from the modified advertisement. Therefore, the combination of Hite and Coleman does not show or suggest all of applicants' claimed features.

For the foregoing reasons, applicants submit that independent claims 20, 39, and 58 are allowable over the combination of Hite and Coleman. Dependent claims 21-38 and 40-56, which include all the limitations of independent claims 20 and 39, respectively, are allowable for at least the same reason. Applicants respectfully request, therefore, that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn.

IV. Conclusion

For the foregoing reasons, applicants submit that claims 1-61 are allowable over the prior art of record. This application is therefore in condition for allowance. Accordingly, prompt consideration and allowance of this application are respectfully requested.

Respectfully submitted,



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